

an analytical section formed in said drawing channel between the suction generator and the opening, the analytical section communicating directly with the exterior of the device through the drawing channel,

wherein in use a sample is drawn into the main body through the opening by suction pressure developed by said suction pressure generator, and then the sample is transferred by the suction pressure through the drawing channel into the analytical section.

29. (New) A device as claimed in claim 28, further comprising a bypass channel formed in the main body and branching from the drawing channel at a position between the analytical section and the opening and in communication with the suction pressure generator, wherein the relationship between a liquid flow resistance (X) in a first portion of the drawing channel between said analytical section and said suction pressure generator, a liquid flow resistance (Y) in the bypass channel and a liquid flow resistance (Z) in a second portion of the drawing channel between the position at which said bypass channel branches and said analytical section satisfies the inequality $(X) > (Y) > (Z)$.

30. (New) A device as claims in claim 28, wherein the drawing channel is divided into a plurality of drawing channel members at a position between the opening and the suction pressure generator, each of the drawing channel members being provided with an analytical section and being in communication with the suction pressure generator.

31. (New) A device as claimed in claim 29, wherein the drawing channel is divided into a plurality of drawing channel members at a position between the opening and the suction pressure generator, each of the drawing channel members being provided with an analytical section and being in communication with the suction pressure generator, the bypass channel branching from the drawing channel at a position between the division point and the opening.

32. (New) A device as claimed in claim 28, wherein a gas-permeable and liquid-impermeable stopper is provided in the drawing channel between the suction pressure generator and the analytical section.

SBD 7

33. (New) A device as claimed in claim 32, wherein the stopper is made from a hydrophobic porous material.

34. (New) A device as claimed in claim 28, wherein the overall length of the device is 15 to 100 mm.

35. (New) A device as claimed in claim 28, wherein the width of the device is 20 to 50 mm.

36. (New) A device as claimed in claim 28, wherein the width of the device is 5 to 20 mm.

37. (New) A device as claimed in claim 28, wherein the overall thickness of the device is 1 to 5 mm.

38. (New) A device as claimed in claim 32 wherein the drawing channel is divided into a plurality of drawing channel members at a position between the opening and the suction pressure generator.

39. (New) A device as claimed in claim 28, wherein the suction pressure generator comprises a chamber formed in the main body in communication with the drawing channel.

40. (New) A device as claimed in claim 39, further comprising a flexible cover on the main body, whereby changes in pressure in the chamber of the suction pressure generator are created by movement of the flexible cover.

41. (New) A device as claimed in claim 28, wherein the device is designed to be discarded after a single use.

SJH

42. (New) A device as claimed in claim 28, further comprising a bypass channel formed in the main body and branching from the drawing channel at a position between the analytical section and the opening and in communication with the suction pressure generator.

43. (New) A device as claimed in claim 42, wherein a liquid flow resistance in a first portion of the drawing channel between said analytical section and said suction pressure generator is greater than a liquid flow resistance in the bypass channel and a liquid flow resistance in a second portion of the drawing channel between said analytical section and a position at which said bypass channel branches.

44. (New) A device as claimed in claim 28, wherein a positive pressure can be generated to return a sample withdrawn from the analytical section to the analytical section.

B In claim 7, line 1, change "claim 5" to --claim 32--.

In claims 9, 10, 12, 13, each of these at line 1, change "claim 1" to --claim 28--.

In claim 15, line 1, change "claim 1" to --claim 28--.

In claim 15, line 2, change "generating means" to --generator--.

In claim 17, line 1, change "claim 1" to --claim 28--.

In claim 17, line 2, change "generating means" to --generator--.

In claim 18, line 1, change "claim 1" to --claim 28--.

Remarks

Favorable consideration of this application is requested. Claims 7, 9-18 and 28-45 are pending in the application. Claim 28 corresponds to claim 28 presented by Preliminary Amendment in parent application 09/255,253, with the further limitation of claim 41 presented in parent application 09/255,253. The remaining claims track claims presented in that application.

The parent application was subjected to a rejection for unpatentability over Qureshi. Applicants respectfully submit that the present claims should not be subjected to such a rejection.

Qureshi is directed to a complex analytical machine that collects and analyzes samples. The Qureshi machine provides a number of metering and handling systems for delivering the sample to the analyzers, and treating it as needed during delivery.

The device of claim 28 requires a drawing channel formed in a main body, with an analytical section in the drawing channel between a suction pressure generator and the opening of the drawing channel. The analytical section communicates with the exterior of the device directly through the opening of the drawing channel. The reference's provision of metering and handling systems in no way suggests a device in which the analytical section is in direct communication with the exterior through the opening of the drawing channel.

Moreover, claim 28 requires that the main body is dimensioned to be manipulated by hand. The device of Qureshi clearly is not relevant to devices of such a scale.

Claims 39 and 40 are even further removed from the reference. Claim 39 requires that the suction pressure generator comprises a chamber formed in the main body in communication with the drawing channel. This provides a simple but effective structure for collecting a sample, and the provision of such a chamber is not suggested by the reference.

Claim 41 also is further removed from the reference. Claim 41 is directed to a single use device. The reference device clearly is intended for multiple reuses and in no way suggests a single use device.

Applicants note that the scope of some of the claims of the present application might be considered similar to or broader than the scope of the granted claims in the parent or grand parent case. Applicants hereby proffer a terminal disclaimer upon receiving an indication that claim 28 is considered to be allowable over the prior art.

In view of the above, early and favorable action on this application is requested.

Respectfully submitted,



Dated: September 5, 2000
Douglas P. Mueller
Reg. No. 30,3000
MERCHANT & GOULD
PO Box 2903
Minneapolis, Minnesota 55402
Telephone: (612) 332-5300